

CHILD CARE LICENSING COMMITTEE MEETING
Cannon Health Building, Room 125
9:00 a.m. December 13, 2000

Members Present: Joyce Hastings; Sara Croskell; Tracy Halverson; Gayle Anderson; Mauvy Ghavim; Deborah Tilley; Gina Brock; Mary Ogan; and Chris Chytraus.

Members Excused: Chris Bray; Samuel Nielsen; and Marilyn Macumber.

Members Absent: Vivian Hardy.

Staff Present: Debra Wynkoop; Joel Hoffman; David Eagar; Pennie Knudson; Wendee Pippy; Rebecca Emerson; Tamara Bennett; Sheila Oelerich; Donna Thomas; Colleen Fitzgerald; Donna Riley; and Joan Isom.

1. **Welcome:**
Ms. Hastings called the meeting to order at 9:03.
2. **October 26, 2000 Minutes:**
Ms. Brock made a motion to accept the minutes with no additions or amendments. Ms. Halverson seconded the motion. The **MOTION PASSED** unanimously.
3. **Licensing Sanctions:**
Ms. Knudson reported on the Northern Region Sanctions. Mr. Hoffman reported on the Central Region Sanctions. Mr. Eagar reported on the Southern Region Sanctions. (See attached chart.)
4. **Child Care Center Rules:**
Ms. Iona Thraen explained the rule changes and the justifications.
Ms. Chytraus stated that on R430-100-8 that the word ~~an~~employee@ should be added to clarify where it says policy and procedures. Johnny Anderson, UPCCA President, questioned the time frame for terminated employee's records. Ms. Wynkoop stated that the retention of terminated employee records falls under FLSA. Doug Springmeyer,

stated that whatever the Bureau decides on retention of records does not supercede other federal or local jurisdiction and that the consensus of the committee was that child care centers would need to keep for the Bureau one year of records for dis-enrolled children and terminated employees.

Deon Corkins, Salt Lake County Health Department, stated that the reference to the "30 days for an individual to receive their food handlers permit" may interfere with the local health department's ordinance, which states that the individual should have the food handlers permit prior to hire. She stated that a stringent agent could cite a child care center for individuals not having the food handlers permit. Discussion followed and the consensus of the committee was to leave the language as is and those individuals in rural areas that have a hardship trying to enroll in a class could apply for a variance.

Ms. Thraen stated that in R430-100-9 the words "not to exceed two hours daily" were added. Dr. Croskell stated her concern was "the mixing of vectors and the shared bacteria between the age group when the children are combined." It was the consensus of the committee that "planned" activities should be added to the policy and procedure section, and that licensors would only cite if the daily activity plan did not correspond to the activities that were going on that day.

Ms. Thraen stated that in R430-100-11 the words "crib space" would be added to be included with the 35 square feet allotted for each child. Discussion followed and the consensus of the committee would be that a period would be placed after the words "napping room" and that cribs would not be excluded from play space. Ms. Thraen stated that she will research this issue to see if there are alternative solutions. Ms. Ghavim stated that she is concerned with parents insisting that their sleeping child be left in their child seat. Dr. Croskell stated that when a child seat harness is not attached the child can slide down blocking their breathing, but that research has not been evaluated whether this may lead to SIDS deaths. The consensus of the committee was that this policy could be added to the individual center policy and procedure manual.

In R430-100-12 clarification will be made concerning play equipment to read that if children three and under have access to play equipment the play equipment will not exceed three feet high. If only four years or older children will be playing on the equipment the play equipment may not exceed 5'6" high.

In R430-100-20 concerning transportation, after a lengthy discussion it was decided by the committee to leave the rule as is, that "someone must be CPR certified" while transporting children.

Johnny Anderson, UPCCA President, was concerned about whether variances could be transferred to the new owner of the building. Mr. Springmeyer stated that the department can evaluate the scope and duration of a variance including whether the variance can be transferable, but that is discretionary on the part of the department, and it will be up to the

new owner to request the variance. He stated that if a facility has a permanent variance then by definition the variance is transferable to the new owner. Ms. Wynkoop stated that on the variance form the period of time requested for the variance needs to be completed.

Ms. Thraen stated that the Bureau does have the right to inspect an existing facility to ensure that the health and safety needs of the children are being met by the variance. If the Bureau does not feel that the health and safety of the child is being met, they can require that the center be brought up to code. Ms. Wynkoop stated that the Bureau may issue a variance, but the local health department may not and the facility will have to come up to code to meet the local health department standards.

R430-100-13. Mr. Springmeyer stated that a medical release form must be present for any child that needs to have medicine administered to them. Ms. Thraen stated that if you do not have a medical release form and you administer medicine to a child that you are practicing out of your scope of authority. Ms. Wynkoop clarified that to dispense Tylenol to a child that a parent must provide the Tylenol with written instructions for administration attached to the bottle and a medical release form to accompany the medicine. This release form must be kept on site. Ms. Thraen stated that the Bureau is trying to help the providers realize that the administration of medicine is the parents responsibility. Ms. Wynkoop stated that she would clarify the “definition of medications” for the rules.

Mr. Springmeyer stated that this rule will go to Mr. Betit for his approval and will be published in the administrative rule bulletin on January 15, 2001, which will make it effective no later than February 15, 2001. Then there will be a 30-day comment period. If anyone would like to request a hearing that will need to be requested during the 30-day comment period.

Ms. Ogan made a motion to approve the proposed rule changes. Ms. Brock seconded the motion. The **MOTION PASSED** unanimously.

5. **Background Screening Rule: Amendments to R436.**

Mr. Springmeyer explained the Background Screening Rule and that the most significant change is that anyone who has lived in Utah for at least five years will no longer need to have the fingerprints. He stated that they have also attempted to define the criminal behavior that would prohibit an individual from child care. Mr. Springmeyer stated that if a parent has unsupervised contact with the children then they would need to have a background screening clearance.

6. **Other Business:**

Vivian Hardy is the new licensed family provider on the Child Care Licensing Advisory Committee.

Ms. Hasting suggested that the January 18, 2001 meeting is cancelled.

The next Child Care Licensing Advisory committee Meeting will be on April 19, 2001 in room 125.

A motion was made to adjourn the meeting by Ms. Chytraus. Ms. Ogan seconded the motion. The **MOTION PASSED** unanimously.

Joyce Hastings, Chairperson

Debra Wynkoop, Executive Secretary